

To: Allen, Laura[Allen.Laura@epa.gov]; Abrams, Dan[Abrams.Dan@epa.gov]
From: Grantham, Nancy
Sent: Wed 9/2/2015 12:15:31 PM
Subject: Fwd: FYI: EPA knew about spill potential at Colorado mine for year, Bishop, Chaffetz say

Sent from my iPhone

Begin forwarded message:

From: "Harrison, Melissa" <Harrison.Melissa@epa.gov>
Date: September 2, 2015 at 6:07:05 AM MDT
To: "Reynolds, Thomas" <Reynolds.Thomas@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Gray, David" <gray.david@epa.gov>, "Mitchell, Stacey" <Mitchell.Stacey@epa.gov>, "Vaught, Laura" <Vaught.Laura@epa.gov>, "Distefano, Nichole" <DiStefano.Nichole@epa.gov>
Subject: **FYI: EPA knew about spill potential at Colorado mine for year, Bishop, Chaffetz say**

SALT LAKE CITY — Two congressional committee leaders from Utah say the Environmental Protection Agency and a federal contractor knew more than year ago that work in an abandoned Colorado mine could cause a toxic spill.

Rep. Rob Bishop, chairman of the House Resources Committee, and Rep. Jason Chaffetz, chairman of the House Oversight and Government Reform Committee, sent letters late Monday to the EPA and Missouri-based Environmental Restoration demanding documents for their investigation of the incident.

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Their committees want to know how and why 3 million gallons of contaminated wastewater flowed into a Southwestern river system last month.

The two Republicans wrote in the letters that the agency and the company knew in June 2014 that conditions at the site could cause a release of water containing heavy metals from inside the mine.

Chaffetz said the EPA has a lot to answer for.

"They could have avoided this spill, but they caused it," he said. "There are indications that they were given warnings that this type of spill could happen if they did what they did."

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”

—Rep. Jason Chaffetz

The breach occurred Aug. 5 when a contractor using heavy equipment entered the abandoned Gold King Mine to start pumping and treating the wastewater, according to the EPA. Sludge laced with lead, arsenic and other heavy metals poured into the Animas River near Silverton, Colorado, eventually making its way to the San Juan River and Lake Powell in Utah.

The EPA took responsibility for the disaster and promised to pay for any damage.

"The toxic discharge affected the environment in at least three states and disrupted the livelihoods of nearly every person and business in the surrounding areas," the congressmen and Rep. Cynthia Lummis, R-Wyo., wrote.

The letters to EPA Administrator Gina McCarthy and Environmental Restoration President Dennis Greaney seek plans, contracts, permits and other information relating to work at the mine by Sept. 14. They're also after videos and photographs apparently taken on the day of the breach.

Bishop and Chaffetz plan to summon the EPA to a joint committee hearing Sept. 17.

"We don't intend to let this one drop," Bishop said. "One way or another, we're going to keep pounding at them until we get answers to these questions."

The EPA released several documents the past week, including a draft technical memorandum and photos of some of its activities before, during and after the spill.

Chaffetz said the agency has been cooperative so far, but he wants all the documents and would use a subpoena to get them if necessary.

"Unfortunately, this will probably go on for years because the impact of the spill will go on for decades," he said.

Sediment and water quality samples from the Animus and San Juan rivers the EPA made public this week show heavy metal concentrations returning to levels that existed before the breach.

McCarthy said the EPA is holding itself to a higher standard as it gets a transparent, independent analysis of what happened and to make sure it doesn't happen again.

"I doubt it," Chaffetz said. "I've yet to see it. I want to specifically ask how she thinks they're doing that."

The EPA asked the Department of the Interior to do the review, but Chaffetz and Bishop in the letter suggest it could be susceptible to political influence and other considerations.

The investigation could also look into the relationship the EPA has with Restoration Environmental, which, according to the letter, has received \$400 million in federal contracts, mostly from the EPA, for cleanup projects the past eight years.

"That is an awful lot of contracting, and maybe they're the only one that can do it, but something didn't go right," Chaffetz said.

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